

1 JOHN C. HERMAN
2 RYAN K. WALSH (*Pro Hac Vice*)
3 ROBBINS GELLER RUDMAN
4 & DOWD LLP
5 3424 Peachtree Road, N.E.
6 Monarch Centre, Suite 1650
7 Atlanta, Georgia 30326
8 Telephone: 404-504-6500
9 Facsimile: 404-504-6501
10 jherman@rgrdlaw.com
11 rwalsh@rgrdlaw.com

7 || Attorneys for Plaintiff

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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1 NOW COME Plaintiff NorthPeak Wireless, LLC, Defendants, and Intervenor Intel
2 Corporation and, pursuant to the terms of the parties' Stipulation to Stay the Case Pending
3 Reexamination of the Patents-in-Suit, hereby provide the Court with the following status update.

4 **1. STATUS OF THE CASE**

5 Pursuant to the Court's Order dated August 28, 2009, this case has been stayed pending ex
6 parte reexamination of the patents at issue.

7 **II. STATUS OF THE REEXAMINATION PROCEEDINGS**

8 **U.S. Patent No. 4,977,577 (the “577 Patent”)**

9 Intel originally filed an ex parte reexamination request for the '577 Patent on July 28, 2009,
10 and filed a corrected request on September 18, 2009. On November 9, 2009, the U.S. Patent and
11 Trademark Office (the "PTO") granted the request for reexamination. The PTO issued an Office
12 Action regarding '577 Patent, and NorthPeak filed a Response.

13 On June 28, 2011, the Patent Office issued a Reexamination Certificate, which confirms the
14 patentability of all claims under reexamination (claims 2, 9, 12-14). A copy of the Reexamination
15 Certificate is attached hereto as Exhibit A.

16 **U.S. Patent No. 5,987,058 (the “058 Patent”)**

17 Intel filed an ex parte reexamination request for the '058 Patent on September 4, 2009. On
18 October 23, 2009, the PTO granted the request for reexamination. The PTO issued an Office Action
19 regarding the '058 Patent, and NorthPeak filed a Response.

20 The Examiner found claims 35 and 86 of the '058 Patent unpatentable. On August 22, 2011,
21 NorthPeak filed a Notice of Appeal and Appeal Brief before the Board of Patent Appeals and
22 Interferences, appealing the Examiner's decision regarding the reexamination of the '058 patent. On
23 or about March 21, 2013, the Board of Appeals affirmed the Examiner's decision.

24 On May 17, 2013, NorthPeak filed a Notice of Appeal of that decision with the United States
25 Court of Appeals for the Federal Circuit. NorthPeak has not yet filed its opening brief on appeal.

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1 DATED: September 3, 2013

ROBBINS GELLER RUDMAN
& DOWD LLP

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/s/
RYAN K. WALSH

5

6

7

8

9

JOHN C. HERMAN
RYAN K. WALSH (*Pro Hac Vice*)
Monarch Centre, Suite 1650
3424 Peachtree Road, N.E.
Atlanta, GA 30326
Tel: 404/504-6500
Fax: 404/504-6501
jherman@rgrdlaw.com
rwalsh@rgrdlaw.com

10

11

Attorneys for Plaintiff

12

13

14

15

16

17

18

19

By: _____/s/
Richard de Bodo (CA SBN 128199
Andrew V. Devkar (CA SBN 228809)
BINGHAM MCCUTCHEN LLP
The Water Garden
Suite 2050 North
1601 Cloverfield Boulevard
Santa Monica, CA 90404-4082
Tel: 310-907-1000
Fax: 310-907-2000

20

Attorneys for Epson America, Inc.

21

22

23

24

25

26

27

28

1 DATED: September 3, 2013

2 By: _____/s/

3 Richard C. Vasquez (CA SB 127228)
4 Jeffrey T. Lindgren (CA SB 176400)
Eric W. Benisek (CA SB 209520)
Robert S. McArthur (CA SB 204604)
Stephen C. Steinberg (CA SB 230656)
5 VASQUEZ BENISEK & LINDGREN LLP
3685 Mt. Diablo Blvd. Suite 300
6 Lafayette, CA 94549
Tel: 925-627-4250
7 Fax: 925-403-0900
8

9 Attorneys for SMC Networks, Inc.

10 DATED: September 3, 2013

11 By: _____/s/

12 Chad S. Campbell (#258723)
13 Timothy J. Franks (#197645)
14 PERKINS COIE LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788
15

16 Attorneys for Intel Corporation

17 DATED: September 3, 2013

18 By: _____/s/

19 Justin T. Beck (Cal. Bar No. 53138)
20 Alfredo A. Bismonte (Cal. Bar No. 136154)
21 Jeremy M. Duggan (Cal. Bar No. 229854)
22 BECK, ROSS, BISMONTE & FINLEY, LLP
150 Almaden Boulevard
10th Floor
23 San Jose, CA 95113
Tel: 408-938-7900
Fax: 408-938-0790
24

25 Attorneys for ASUS Computer International

1 DATED: September 3, 2013

2 By: _____/s/

3
4
5
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15
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21
22
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26
27
28

Ryan Yagura
Vision L. Winter
Nicholas J. Whilt
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
Tel: 213-430-6000
Fax: 213-430-6407

Edgar Martinez
O'MELVENY & MYERS LLP
610 Newport Center Drive
Newport Beach, CA 92660-6429
Tel: 949-760-9600
Fax: 949-823-6994

Attorneys for Belkin International, Inc.

12 DATED: September 3, 2013

13 By: _____/s/

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Karl J. Kramer
Christopher F. Jeu
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, CA 94304

Attorneys for Fujitsu America, Inc.

19 DATED: September 3, 2013

20 By: _____/s/

21
22
23
24
25
26
27
28

David J. Levy
Rich Rambo
C. Erik Hawes
I. Clay Roger
MORGAN, LEWIS & BOCKIUS LLP
1000 Louisiana St., Suite 4000
Houston, TX 77002

Attorneys for Hewlett-Packard Company and 3Com Corporation

1 DATED: September 3, 2013

2 By: _____/s/

3
4 John N. Zarian
5 Dana M. Herberholz
6 PARSONS BEHLE & LATIMER
7 960 Broadway Avenue
8 Suite 250
9 Boise, Idaho 83706

10
11 **Attorneys for ViewSonic Corporation**

12 DATED: September 3, 2013

13 By: _____/s/

14
15 Christine Yang
16 Duncan Palmatier
17 LAW OFFICES OF S. J. CHRISTINE YANG
18 17220 Newhope Street,
19 Suite 101-102
20 Fountain Valley, CA 92708

21
22 **Attorneys for D-Link Systems, Inc. and Zyxel**
23 **Communications, Inc.**

24 DATED: September 3, 2013

25 By: _____/s/

26
27 Ryan R. Smith
28 Matthew A. Argenti
29 WILSON SONSINI GOODRICH & ROSATI
30 One Market Street
31 Spear Tower, Suite 3300
32 San Francisco, CA 94105

33
34 **Attorneys for NETGEAR, Inc.**

1 DATED: September 3, 2013

2 By: _____/s/

3 William B. Dyer III
4 Anita Blushan
5 Roger Dale Taylor
6 FINNEGAN, HENDERSON, FARABOW, GARRETT
7 & DUNNER, LLP
8 303 Peachtree Street, NE
9 Suite 3500
10 Atlanta, GA 30308

11

12 **Attorneys for Sony Electronics Inc., and Sony**
Computer Entertainment America Inc.

13 DATED: September 3, 2013

14 By: _____/s/

15 Thomas H. Zellerbach (SBN 154557)
16 ORRICK, HERRINGTON & SUTCLIFFE LLP
17 1000 Marsh Road
18 Menlo Park, CA 94025
19 Tel: 650-614-7400
20 Fax: 650-614-7401

21

22 **Attorneys for WatchGuard Technologies, Inc.**

23 DATED: September 3, 2013

24 By: _____/s/

25 Michael C. Ting
26 TechKnowledge Law Group LLP
27 1521 Diamond Street
28 San Francisco, CA 94131
Tel: 408-646-1131

29

30 **Attorneys for Acer America Corp. and Gateway Inc.**

1 DATED: September 3, 2013

2 By: _____/s/

3 David H. S. Commins (SBN 124205)
4 Kit L. Knudsen (SBN 154714)
5 COMMINS & KNUDSEN, P.C.
6 400 Montgomery Street, Suite 200
7 San Francisco, CA 94104
8 Tel: 415-391-6490
9 Fax: 415-391-6493

10 Russell W. Faegenburg
11 Andrew T. Zidel
12 LERNER, DAVID, LITTENBERG, KRUMHOLZ &
13 MENTLIK, LLP
14 600 South Avenue West
15 Westfield, NJ 07090
16 Tel: 908-654-5000
17 Fax: 908-654-7866

18 **Attorneys for Buffalo Technology (USA), Inc.**

19 DATED: September 3, 2013

20 By: _____/s/

21 David S. Bloch
22 David Enzlinger
23 WINSTON & STRAWN LLP
24 101 California Street
25 San Francisco, CA 94111-5894

26 **Attorneys for U.S. Robotics Corporation**

27 DATED: September 3, 2013

28 By: _____/s/

29 John J. Feldhaus
30 Pavan Agarwal
31 FOLEY & LARDNER LLP
32 3000 K Street, N.W., Suite 500
33 Washington, D.C. 20007

34 **Attorneys for Toshiba America Information
35 Systems, Inc.**

1 DATED: September 3, 2013

2 By: _____/s/

3 Sean P. DeBruine (SBN 168071)
4 Steven D. Hemminger (SBN 110665)
5 ALSTON & BIRD LLP
6 275 Middlefield Road
7 Suite 150
8 Menlo Park, CA 94025-4008
9 Tel: 650-838-2000
10 Fax: 650-838-2001
11 sean.debruine@alston.com
12 steve.hemminger@alston.com

13 Patrick J. Flinn (SBN 104423)
14 John D. Hayes (pro hac vice)
15 Byron R. Holz (pro hac vice)
16 ALSTON & BIRD, LLP
17 One Atlantic Center
18 1201 W. Peachtree Street
19 Atlanta, GA 30309
20 Tel: 404-881-7000
21 Fax: 404-881-7777
22 patrick.flinn@alston.com
23 john.hayes@alston.com
24 byron.holz@alston.com

25 Attorneys for Dell, Inc. and SonicWALL

26 DATED: September 3, 2013

27 By: _____/s/

28 Jen-Feng Lee
LT PACIFIC LAW GROUP
17800 Castleton Street, Suite 560
City of Industry, CA 91748
Tel: 626-810-7200
Fax: 626-810-7300

29 Attorneys for Trendnet Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel who have entered an appearance in this action.

/s/

Ryan K. Walsh (*Pro Hac Vice*)
ROBBINS GELLER RUDMAN
& DOWD LLP
3424 Peachtree Street, N.E.
Suite 1650
Atlanta, GA 30326
(404) 504-6500 (Telephone)
(404) 504-6501 (Facsimile)
rwalsh@rgrdlaw.com

Attorney for Plaintiff Northpeak Wireless, LLC